

**HEALTH COMMITTEE
of the
Suffolk County Legislature**

A regular meeting was held in the Rose Y, Caracappa Auditorium in the William Rogers Legislative Building, Veterans Memorial Highway, Smithtown, New York on **February 16, 2001** at 10:00 a.m.

MEMBERS PRESENT:

Legislator Ginny Fields, Chairperson
Legislator Brian Foley, Vice Chair
Legislator Maxine Postal
Legislator Martin Haley

ALSO IN ATTENDANCE:

Paul Sabatino, Legislative Counsel
Mary Skiber, Aide to Legislator Fields
Kim Brandeau, Budget Analyst/Budget Review Office
Bonnie L. Godsman, Intergovernmental Relations/County Exec's Office
Clare Bradley, Commissioner/Department of Health Services
Reverend Charles Bond, Sunrise Clinic
Robert Cohen, Sunrise Clinic
Larry Peters, Sunrise Clinic
Jeannette Santos, Sunrise Clinic
John C. Sullivan, Sunrise Clinic
Diane Saunders, Sunrise Clinic
Gene Beasley, Sunrise Clinic
Walter O'Connor, Sunrise Clinic
Christina DeLisi, Aide to Legislator Fred Towle
Roy Archer
Laura Cassell, Catholic Charities
Sister Brigid Penney, Catholic Charities
Barbara Faron
Edwin Kennedy
Richard LaValle, Deputy Commissioner, Department of Public Works
Legislator Joseph Caracappa
Fred Pollert, Director of Budget Review
Lou Calderone, Director of Building, Department of Public Works
Robert Maimoni, Department of Health
Wayne Jones, Department of Health
Bill Jones, Department of Social Services

Basia Derren-Braddis
Paul F. Engelhart
All Interested Parties

Minutes taken and transcribed by Irene Kulesa, Legislative Secretary

(The meeting came to order at 10:15 a.m.)

CHAIRPERSON FIELDS:

We will begin with a Pledge of Allegiance led by Legislator Foley.

SALUTATION

CHAIRPERSON FIELDS:

Good morning. We have some cards and I will call them up in the number in which they appeared and signed a card. Reverend Charles Bond.

REVEREND BOND:

Good morning. My name is Reverend Bond and I am from Wyandanch Church but I'm here today in the behalf of the Sunrise Clinic and the purpose really is to give support on behalf of the clinic. And the clinic that's on Sunrise Highway, the Tri-Community and they've been there practically from their existence and it's important that we try to keep them there because when you transfer people, people say oh, they've been there so long. Sometimes they kind of get lost on making the transition, so -- and then the mentally ill is really close to my heart. Because when you're not able to really speak for yourself and not properly know what's right and wrong, they deserve and from where I stand, in a better position and to really seek help. They need help more so than a person that's able to make decisions for themselves. So to kind of move them out would really be a disservice to the people and also to the clinic. The clinic is there. It's a non-profit corporation and even though they may not have any credentials or -- when I say credentials or any benefits at all, they don't turn people away. Who ever comes, gets served and that's important also. You know we all have needs and I think the mentally ill is at a disadvantage and it would be an injustice for them to have to move out.

CHAIRPERSON FIELDS:

Okay, thank you. Robert Cohen followed by John Sullivan. We'll give each person a three-minute opportunity to speak and we have at least twelve cards, I believe, so --

MR. COHEN:

Good morning. I'm the Executive Director of Sunrise Clinic. I've been there for twenty-two years. During that period of time, we've worked very closely with the Suffolk Department of Health and usually we cooperate. We're caught in a bind. They need space. We need space and obviously, the two cannot occupy the same space at the same time, therefore, a conflict. We are in the process of moving to a new building and that process is taking much longer than we ever anticipated. We finally got the certificate of occupancy from the village two days ago. We now have to look to the state and its regulatory mechanism to get permission to move. Every time we try something, something else gets in the way of finally moving. What we hear on the other side is this awkwardness of you got to get out. We appreciate their position but we can't get out.

The second level and I've got all kinds of people here today is the needs of the community to maintain some kind of presence in the Suffolk Tri-Community Center. We used to have a lot more rooms. We gave up our rooms in the process of the last couple of years and now we're down to two rooms. And the community, my board, feels very strongly that there should be some presence there for some period of time, so that the people that wander in there will know where we are and where we have located. We will provide whatever support backup during this transition period but we're in this most awkward position of the inability to get out because of regulation and the pressure that really we feel is unjustified. Thank you.

CHAIRPERSON FIELDS:

Thank you. John Sullivan.

MR. SULLIVAN:

My name is John Sullivan and I'm the President of the Sunrise Psychiatric Clinic. I've been involved in mental health for more than thirty years. As a matter of fact, I was President of this clinic beginning around '69, 1970. At that time, we were dealing with the Suffolk County Mental Health Board. Mr. Foley's father was the Chairman of the Suffolk County Mental Health Board. We entered into an agreement with the Suffolk County Mental Health Board to move into the Tri-Community Health Center years and years ago. This is before you had a health services in Suffolk County. Here's a brochure. I'll be happy to put in evidence about mental health, showing it's from the Suffolk County Mental Health Board. I have a letter from the Suffolk County Mental Health Board sending us our contract in 1971. I would be happy to show you.

We then had a building at the Bethel IME Church. We rented the basement. We had a clinic there and when they ultimately opened up the Tri-Community Health Center, we moved in and we had several rooms there. We were supposed to have six rooms but when we moved in, they took one away right away. That's all right, five was enough, because we were just starting. Somewhere along the line, not too long ago, Suffolk County Department of Health told us that there was a Wick Program coming out in Albany and there were many thousands of dollars to be obtained and that they had to have a dedicated room for a computer to qualify for the Wick Program. The Wick Program is a very good program in Suffolk County. Its nutritional benefits are unequal. Very good idea and of course, I can understand Suffolk County jumping at it, however, they needed the room. Ultimately, we gave them three rooms out of the five we had. Now they want the rest and to my thinking, they're practically evicting us. Their argument apparently is that we are the only contract agency in Suffolk County having some business there. We don't have a lease. Well, we were in there before when the Department of Health Services was formed. So we don't have to have a lease. We made our deal with its predecessor and we were told we could stay there as long as we were doing our jobs and we are doing our jobs.

By the way, Sunrise Psychiatric Clinic was formed in 1965. When I got involved many, many, years ago, the clinic had three part time employees. We now have over a hundred and twenty full time employees. Our payroll then was twenty five thousand dollars a year. It's now close to four million dollars a year. We serve all of the Town of Babylon that's particularly involved in this particular issue is North Amityville. It took us a long time to get the people from North Amityville to come to our clinic. Because we were considered the white people and it wasn't quite right for them, however, we did do some outreaching. We sent all of our people into North Amityville. We had some people on our board from North Amityville who started to preach and tell them that we were okay and once we opened up at the Bethel IME Church and they saw that we were doing an awful lot of good for the mentally ill in North Amityville, it was an easy transition to take them from Bethel IME Church, which is located on Simmons Street about five hundred yards away from the Tri-Community Health Center and put them in the Tri-Community Health Center. However, having reached this point, where we're being told basically you have to get out. We've got a problem.

We have bought a new building in Amityville on John Street. We paid seven hundred and seventy five thousand dollars for it; we got nothing from Suffolk County for that. We put another three hundred thousand dollars in it and we have nothing from Suffolk County on that. These were monies, the seven seventy-five with a mortgage for three hundred thousand. It's fund raising, which we've done over the last thirty years. I ran a pro-am golf tournament for twenty-four years, which contributed to that money that we accumulated. But as a result of having that money, we were able to do and buy the building. In the meantime, we're paying rent where we are. It's costing us ten thousand dollars a month rent plus the taxes on the building, plus the mortgage on the building. So we're paying double right now. We'd like to get in as soon as possible but we have various problems. We just got a C.O. the other day. That's a Certificate of Occupancy, which we got from the Incorporated Village of Amityville and it took us several inspections to get it. Now we're trying to get a license transfer from the State of New York, a transfer of our license from 400 Broadway, which is our main clinic. That's 37 John Street. They transferred our license from Birch Avenue to 37 John Street. We have five units ladies and gentlemen that we are working out of. We have the main clinic at 400 Broadway, Amityville. We have Birch Avenue, a main clinic. That's a regular mental health clinic. Birch Avenue, we have a continuing day treatment program for people, most of whom had been in a state hospital for at least five years. So we're going to be transferring them over too.

We have a clinic that we just opened up in Wyandanch about a year ago, doing very, very, well. We have a home for mentally ill girls on Central Avenue in Deer Park. They have eight mentally ill girls there and of course, we're in the Tri-Community Health Center and we've done an awful lot of good in the Town of Babylon and in Massapequa, it's in the Town of Oyster Bay. We also handle them.

But the main thing is we just can't jump as soon as the Department of Health Services wants

us to. We have procedures that we have to follow. One of the things that we have to consider, Reverend Bond touched on a minute ago. We have people that are fragile. They're not normal, okay and we don't want them to de-compensate. They become upset when changes fall in line. It's got to be gradual. We don't want to get out of the Tri-Community right away. We want to do it gradually, as we can ease the patients away into the new location we have at 37 John Street. It might take a couple of years. I don't know. But we have to consider the patients. I don't know why the Department of Health Services haven't even thought of this. They don't care. Get out. Well, frankly there's a conflict of interest there. You can't defer one health service over another. Even if we happen to be a contract agency with Suffolk County. We're doing the work and we're doing it very cheaply and very, very, good. But you can't have a conflict of with them. Supposing we said well put out cancer care in lieu of? That would be terrible.

CHAIRPERSON FIELDS:

May I interrupt and ask if you could just sum up? Because you've gone way beyond the three minutes.

MR. SULLIVAN:

I appreciate that. It's difficult to sum up thirty years of work in three minutes and we have others here from our clinic who will be talking. But I'm trying to suggest that what we're getting into is disastrous for the clinic and will hurt us very much. I have an annual report, which I'm going to offer in evidence, which was done in 1971 and it shows the people we have on our board from North Amityville. It also shows, at that time that North Amityville was a disaster area. We had done so much to get them involved, mental health wise. I wish you agreed because there is a very good -- by Doctor Collins, who is our Executive Director, a very good summary of what happened. The highlight of our year in 1971, was the opening of the Sunrise Satellite Clinic in Copiague, which was of the IME Church.

CHAIRPERSON FIELDS:

I think, I'll speak for the committee but I think we have the idea of what you're presenting to us and perhaps what we'll do at the end of the meeting is ask Doctor Bradley to address us and answer some of the questions, if there are any on the board.

MR. SULLIVAN:

Thank you.

CHAIRPERSON FIELDS:

What I'm also going to do is bypass the rest of the cards for now, because we do have a long agenda and we've invited several people to answer to the agenda items and so I'm going to go back to the cards when we're finished with what we have on the regular agenda. So if you're going to speak, you can wait and then we'll, at the end of it, we'll ask Doctor Bradley to respond to the cards also. Thank you very much. Okay, just for a quick review, we had a lease situation at the Coram Health Center. We were told that the lease needed to be signed rapidly, so we could move forward. We found out that nothing moved forward and we had a meeting a couple of weeks ago and now we have some follow up to that meeting. I guess one of the first people I would like to ask to come up is either James McLoughlin or someone here from the Fire Marshal's Office.

MR. HORST:

Warren Horst, Suffolk County Department of Fire Rescue and Emergency Services.

CHAIRPERSON FIELDS:

Good morning, thank you.

MR. HORST:

Good morning.

CHAIRMAN FIELDS:

I have in front of me, as does the rest of the committee and Legislator Caracappa whose

district this is in, a copy of a Fire Marshal Report and I just wanted to ask you a couple of questions about this report and I'll read it out loud and it was signed by James McLoughlin. Upon my arrival on the scene, I was met by Ray Warnken of Suffolk County DPW. The Coram Fire Department had already left the scene. The fire department had been dispatched to an automatic fire alarm activation. They discovered a smoke condition coming from the roof penthouse where the heating units are located. The fire department shut off the oil burners by using -- I guess, it's by using the emergency switch and ventilated the equipment room by opening the outside doors of the penthouse. The fire department reported finding the building unlocked and did not have to force entry.

Upstairs in the Penthouse are two boiler units, each having three burners. The one boiler facing the concrete wall showed signs of a fuel oil fire coming from the middle burner, unit number four. There were black smoke and soot stains on the face of the boiler. I also noticed that the front boiler showed signs that the chamber was failing with evidence of fire starting to burn through the side firewall.

I left both heating units shut off at the emergency switch and instructed Ray Warnken of DPW to leave the units off until repaired. I notified Mr. Wayne Jones, Administrator of the Health Care Facility that morning that the units could not be turned back on until repaired. I also advised Mr. Jones that the smoke detector in the penthouse was covered with a plastic bag and should be uncovered immediately. That the smoke detector in the stairwell would need to be cleaned or replaced because of the exposure of the soot and that the ventilation system may need to be cleaned. I also mentioned to Mr. Jones and to Suffolk County Police Sector Car 616 that the building was found unlocked. The police indicated that they find it that way all the time. That's quite a report. I also have three photographs that I wonder if you could identify?

MR. HORST:

Sure.

CHAIRPERSON FIELDS:

And who took them? Where they're located? And what they actually are?

MR. HORST:

Okay, I'm going to presume that the order of photographs is the same order I have here in the original report. And I believe at the bottom of the page it says photo 103?

CHAIRPERSON FIELDS:

Let's go to the -- I think you should have maybe rear facing oil burner unit as number one.

MR. HORST:

Right. First off the pictures were taken by Fire Marshal Jim McLoughlin the day of the fire. The first photograph is the -- in his report he referred to the boilers that were facing the rear wall. That would be the middle burner in that particular boiler. And what it indicates, although it may not be too clear in the copies of the photographs but above the burner, you can see that there's a soot deposit, which would indicate that smoke and possibly fire was pushing out of the boiler unit at that particular location. You can also see to a degree that there's a lot of debris around the burner gun itself. It would also indicate that there's some type of a problem with the unit. The second photograph --

CHAIRPERSON FIELDS:

Can I just interrupt?

MR. HORST:

Sure.

CHAIRPERSON FIELDS:

There's a picture of it, I guess, it was in Newsday of the Coram Health Center. Just so you can kind of acclimate me as to where I am in this photograph? Is the unit placed at the very top of the building?

MR. HORST:

Yes. There's a penthouse on the top of the building what most people would consider the third floor. It's a very small portion. The boiler room is a room within the penthouse and the rest of the space up there is occupied by the hot water heaters, the mechanical equipment and emergency generator, some electrical equipment and other equipment associated with the building.

CHAIRPERSON FIELDS:

And so, in order to get to the very top floor, the third floor, the police, the fire department, fire marshal, anybody could just walk through the building because it was unlocked and go right to where the fire was?

MR. HORST:

The morning of the incident that appeared to be the way it was, yes.

CHAIRPERSON FIELDS:

Okay. Photograph number two?

MR. HORST:

Sure. That's the other set of three burners that makes up the second boiler unit. That would be backed up or -- well, I'm not too sure that's the best way to describe it. But the second boiler room with the unit in the boiler room and you're looking at the side of what would be the firebox in that particular burner unit and there's indications that the internal burner unit itself has started to fail and its caused deterioration because of heat and flame exposure to the exterior sheeting of this particular unit. It certainly indicates that and in short order, if not at that point in time, there would be the potential for fire escaping from the firebox itself and extending into the room.

CHAIRPERSON FIELDS:

Photograph number three?

MR. HORST:

That would be the smoke detector that's in the center of that photo that was in the equipment room that's adjacent to the boiler room and the penthouse and that's a plastic wrapping, probably a bag that's around that smoke detector.

CHAIRPERSON FIELDS:

It looks like a Waldbaums bag.

MR. HORST:

It could be. My photographs are not as clear as yours but it's definitely -- it's some type of plastic wrapping around the smoke detector that would, in essence, make it non-functional.

CHAIRPERSON FIELDS:

Why would anyone want to cover a smoke detector with a plastic bag?

MR. HORST:

I can only speculate in that regard. If you were doing maintenance in the building, there might be a need to temporarily cover up a smoke detector, if you were doing -- using some type of fogging operation for control of insects. They might cover up a smoke detector, so the system doesn't falsely activate. If you do a power washing of equipment in that particular room, you might want to cover it up to protect it from the water. But it certainly would be a short-term situation where you would cover it. Do whatever had to be done and then take it off. In our viewpoint, it should never be covered up except for protection of the detector unit when some type of maintenance is going on.

CHAIRPERSON FIELDS:

All right, now it's my understanding or maybe what you could do is explain the process of how that fire alarm would go off?

MR. HORST:

Okay. In this particular case, with the fire in the boiler room, which is contained within the penthouse, the smoke left that particular room through or above the wall that the boiler room adjoins with the stairwell that goes up to the penthouse and it set off the smoke detector in the stairwell. It did not set off the smoke detector in the penthouse proper room, because it was covered up with the plastic. Once the detector is activated, sends a signal to the alarm control panel and the fire alarm control panel in the building and that sends the digital dialer a signal to fire rescue communications in Yaphank, which is received and then transmitted to the appropriate fire department, in this case, the Coram Fire Department.

CHAIRPERSON FIELDS:

I also understand that there was hole in one of the walls and that's the smoke that actually went through?

MR. HORST:

It was a lack of fire stopping at the top of the wall between the stairwell. The wall that is between the stairwell and the boiler room itself, which would allow smoke to pass through. In this particular case, although it shouldn't be that way because the stairwell is supposed to be a protected area in the building for safe egress. But actually it wasn't a benefit because it allowed the smoke detector to activate to the fire. Certainly, it shouldn't be that way but in this particular instance, it happened to be a benefit.

CHAIRPERSON FIELDS:

Does anyone have any questions for Mr. Horst?

CHAIRPERSON FIELDS:

Okay. Thank you.

MR. HORST:

You're welcome.

CHAIRPERSON FIELDS:

Who is responsible? I'll just ask anyone. Who is responsible for that building? And a --

LEGISLATOR FOLEY:

I have a question for you.

CHAIRPERSON FIELDS:

Okay, Legislator Foley.

LEGISLATOR FOLEY:

Thank you. The Fire Marshal's report mentions meeting Mr. Warnken of Suffolk County DPW at the building.

MR. HORST:

Yes.

LEGISLATOR FOLEY:

Did he explain why he was there? What reason he was there for?

MR. HORST:

I'm not familiar with the lease agreement but I would presume, based on our operation in other buildings that there's a certain responsibility of DPW for maintenance within the building. He would have been there for that purpose.

LEGISLATOR FOLEY:

And what kind of conversations did you have with Mr. Warnken concerning the fire?

MR. HORST:

Okay. Well, it was not myself that had the conversations with him.

LEGISLATOR FOLEY:

Okay.

MR. HORST:

But it would have been obviously, about what had happened.

LEGISLATOR FOLEY:

Okay.

MR. HORST:

How the fire had evolved and the fact that the boilers had been shut down and it was directed that they should not be turned back on again, until it was properly repaired. And some of the other issues were also pointed out, the smoke detector being covered up. The breaching of the openings in the firewall that encompass the boiler room.

LEGISLATOR FOLEY:

Okay. Have you had any discussions with him since this particular fire or no?

MR. HORST:

We've had a number of discussions, not necessarily with Mr. Warnken but with DPW in general. We've met them up there on several occasions since. Particularly after the inspection that was conducted, I believe, on August 30th.

LEGISLATOR FOLEY:

Okay.

MR. HORST:

Or a number of violations were noted and they have been responsive to their portion of the repair that was necessary to clear the violation.

LEGISLATOR FOLEY:

Just on that point? Through the Chair, if we could have someone from Public Works Department?

CHAIRPERSON FIELDS:

In the meantime, Legislator Haley has a question, I think, for him.

LEGISLATOR HALEY:

What's the status of violations in that building?

MR. HORST:

The only violations that remain at this point as indicated on the, I think, the August 30th report, would be the storage of surplus furniture in the employees stairwell, which I believe is on the south side of the building.

LEGISLATOR HALEY:

Is this still and that was reported in August and it still exists?

MR. HORST:

That is correct. As of Tuesday, this week.

LEGISLATOR HALEY:

Okay, so what I'm -- you may or may not be able to answer this. In accordance with -- you've obviously had a lot of conversations with a lot of people concerning this. There seems to be our inability to force him to comply. That could be a function of a poorly written lease or a function that we're not going to a single entity in the county to ask them to enforce that

lease. Because it seems to me, just removing that material should be pretty easy and if he doesn't do so, consistent with the requirements of the lease, in other circumstances, the county can go in and remove those items to make that a safe situation. I obviously -- the storage is preventing egress in case of an emergency, correct?

MR. HORST:

That is a potential, yes. It's in the stairwell.

LEGISLATOR HALEY:

Is that your function? But if it's in the stairwell and it's an egress or a safety problem, I can't imagine why somebody just doesn't remove the stuff and charge them back. Because in my view, keeping that building safe and in compliance with all local and county regulations is contrary to a lease agreement and I think what would -- I'm trying to get a sense of why we're here for all of this and I think we have a landlord that we're not happy with. But the problem is, we have a lease that doesn't require him to comply in certain ways, as far as completion of the extension of that building for four hundred some odd days and thereafter, it's only charged a hundred dollars a day. So let's go back. If Paul wrote a lease and now we're saying this land was no good, because he has not good intentions, the only thing we can go do is go back to that lease and enforce the particular codicils that are in that lease. If that's the only thing that's outstanding, in my view, in spite of the fact that we think he's bad, we can only enforce that, get him to clean up that stairway and to attempt to move forward and mitigate the problems that are surrounding getting the completion of that -- the other codicils of that lease, which specifically is and what we're concerned about is his ability to maintain -- I'm sorry to build that extension. So I'd like to find out if there's a point that we want to go towards some remediation, I'm sorry, look to a remedy because he's failed to live up to his existing lease, I think, we should come to terms with that pretty quickly but if we're going to come to terms with that, at some point, we're going to have to, from a legal perspective ascertain that and perhaps go into Executive Session to decide if we have a method by which we can go after this landlord. Other than that, I'm not sure where we're going.

CHAIRPERSON FIELDS:

Okay.

LEGISLATOR HALEY:

I'm just trying to get an idea.

CHAIRPERSON FIELDS:

All right. You'll find out quickly enough, I think. Is somebody from DPW here?

LEGISLATOR CARACAPPA:

I have a question for the speaker, Madam Chair?

CHAIRPERSON FIELDS:

Okay. I'm going to go back to Legislator Foley who wanted to reclaim his time.

LEGISLATOR FOLEY:

Okay. Thank you Madam Chair. You have a copy of the Fire Marshal's report, correct?

MR. LAVALLE:

No, we don't have a copy.

LEGISLATOR FOLEY:

The department doesn't have a copy of the Fire Marshal's report. Once the fire occurred on the 17th, what steps were taken by the department, visavis, in terms of the contract to correct these problems? Were the meetings held with the landlord? With the Fire Marshal's Office? We're hearing from the Fire Marshal's Office that there were a number of discussions.

MR. LAVALLE:

Well, the responsibility for this area was not with the county. The area that was presumed to be the county, in fact, is the responsibility of the landlord. What we did do and the reason that gentleman was there, generally, when there are emergencies, such as that, we will dispatch one of our maintenance personnel to the scene to see if there's anything we can do to help out or if there's anything that we're responsible for that should be corrected.

LEGISLATOR FOLEY:

And that determination that it was the landlord's responsibility and not the Department of Public Works. That determination was known at that time of the fire? Before the fire? Some months after the fire? When was that determination?

MR. LAVALLE:

Basically that the lease requires him to maintain the building infrastructure. The county's responsibility basically is limited to repairing those areas, for example, that have been vandalized, such as things being ripped out or graffiti, things of that nature.

LEGISLATOR FOLEY:

Now would it be the Department of Public Works or the Health Department or Social Services that would require the landlord, in this case, to replace these damaged boilers?

MR. LAVALLE:

Well, the lease would have to be enforced by the County Attorney's Office.

LEGISLATOR FOLEY:

And how would that be triggered to make sure? Was there a process that unfolded from that fire starting either with your department or from some other department that tried to persuade them to live up to their terms of the lease?

MR. LAVALLE:

No, we weren't contacted. Possibly, the Health Department or the Social Services Department may be able to respond to your question.

LEGISLATOR FOLEY:

All right, so basically Public Works was there to -- just to insure that -- well, to see what happened with the fire? Not so much add responsibility for that particular area of the building but just to determine the extent of the fire.

MR. LAVALLE:

Right and if there was anything immediately that we would have to do to rectify a particular situation --

LEGISLATOR FOLEY:

On a temporary basis.

MR. LAVALLE:

Yes.

LEGISLATOR FOLEY:

Okay. Now gentlemen from the Fire Marshal's Office, you mentioned that there were discussions between the department and the Fire Marshal's Office after the fires? Is that correct?

MR. HORST:

Yes. There was an inspection on the 30th of August, which went beyond notice and violations beyond what were noted at the time of the fire.

LEGISLATOR FOLEY:

Yes, we spoke about that at the last meeting, correct?

MR. HORST:

Correct and some of those were responsibilities of the Department of Public Works --

LEGISLATOR FOLEY:

Okay.

MR. HORST:

To take care of and in fact, they had, to the best of my knowledge, addressed all those. The issue, the storage in the stairwell becomes a matter of, I guess, whose equipment or whose surplus furniture that is and who is responsible for removing it.

LEGISLATOR FOLEY:

Okay. Well, I think, it's new for some of us; at least, from the last meeting that there was actually a fire that took place in that particular penthouse. We knew of the inspection. We learned of the inspection at the last committee meeting. But that there was actually a fire that occurred a day or two prior to that inspection and certainly is very -- well, it's not only new news but very disturbing news and to look at these pictures and see the conditions that it's in. And basically, these boilers were not replaced until October, is that not correct?

MR. HORST:

That's correct.

LEGISLATOR FOLEY:

So notwithstanding -- when you look at these pictures and just for the record, these aren't minor repairs, this shows the need for outright replacement. So even though these boilers were in terrible condition due to a fire, they were not replaced until October. Is that not correct?

MR. HORST:

Yes.

LEGISLATOR FOLEY:

Okay. Thank you.

CHAIRPERSON FIELDS:

This is for DPW. Do we have a -- some kind of a procedure for inspecting all the facilities for health and safety issues for all of Suffolk County facilities?

MR. LAVALLE:

Well, safety issues basically, falls with the Fire Marshal's Office, in terms of their area of responsibility. Other than that unless --

CHAIRPERSON FIELDS:

What about the fact that --

MR. LAVALLE:

Unless a particular problem arises there with -- we're made aware of that problem and then we go about trying to rectify it.

CHAIRPERSON FIELDS:

That's kind of reactive though and I mean, if we're looking at -- if you looked at the third photograph with the plastic bag over the smoke detector that's a safety issue that -- I mean, it would seem that maybe there would be some inspection of all of our facilities pro-actively for safety?

MR. LAVALLE:

We don't conduct one, as a matter of -- during the course of business, no.

CHAIRPERSON FIELDS:

How does the county maintain its certificate of occupancy for this facility with all the violations listed in the August 30th inspection report from the Fire Marshal?

MR. LAVALLE:

We don't. This is a private building that the county leases. That's the responsibility of the owner to keep it up to safety code and those requirements.

CHAIRPERSON FIELDS:

And he was well aware of --

MR. LAVALLE:

That's a matter of responsibility and that's part of his lease agreement.

CHAIRPERSON FIELDS:

Even the old lease agreement?

MR. LAVALLE:

Yes.

CHAIRPERSON FIELDS:

Okay. Legislator Caracappa

LEGISLATOR CARACAPPA:

Thank you Madam Chair and I appreciate your holding this hearing and allowing me to come. Seeing that I'm not a member of this committee, I do appreciate it. Going back to what Legislator Haley was speaking about and I'm directing this question to the Fire Marshal's Office. The report, where it has nineteen or so code violations?

MR. HORST:

Yes.

LEGISLATOR CARACAPPA:

Which was first written and observed in August of 2000. The only one left that's not corrected, because there's nothing in the correction column is the code 1162-2 sub paragraph C and D, which is the corridors and the stairwells with furniture? Is that what you're saying? All of these other eighteen violations had been addressed?

MR. HORST:

That is correct. I'm not too sure which one you're looking at the moment but it is the specifically, the stairwell, the storage, I'm sorry and the stairwell. I believe the employee's entrance stairwell that still remains, I believe. Was that on page 3?

LEGISLATOR CARACAPPA:

Yes, the top of page 3.

MR. HORST:

Top of page 3, then that's the one. Number 3 in that first paragraph.

LEGISLATOR CARACAPPA:

Okay. Secondly, there was going to be a follow up on October 10th. Obviously, you noted, in your last response that you saw that most of the violations were corrected. Did you see any others or observe any others that were in a subsequent report, such as this, on that October 10th day?

MR. HORST:

We went back actually on -- I'm trying to interpret the writing here. It looks like either the 17th or the 19th of October and then on the 23rd of January, this year and again on Tuesday, of the week and no, they were no subsequent violations noted during those inspections.

LEGISLATOR CARACAPPA:

Do you have -- well; does this Chair have the follow up report that states that?

CHAIRPERSON FIELDS:

Yes. Could you just suffer one interruption, just for a question?

LEGISLATOR CARACAPPA:

Absolutely, of course.

CHAIRPERSON FIELDS:

When you write a violation, is there a fine that's associated with that?

MR. HORST:

No, there's not.

CHAIRPERSON FIELDS:

Okay, thank you. Go ahead.

LEGISLATOR CARACAPPA:

You do have the October report?

CHAIRPERSON FIELDS:

Yes, I do.

LEGISLATOR CARACAPPA:

Okay, if I can get a copy of that? Something not right now, eventually.

CHAIRPERSON FIELDS:

Oh, I'm sorry, right.

LEGISLATOR CARACAPPA:

I have the original.

CHAIRPERSON FIELDS:

That was in last months. Okay, I'll get you that.

LEGISLATOR CARACAPPA:

Thank you. One follow up, I'm sorry Legislator Postal, cutting you off. Who made those repairs? Was it the landlord or did the county charge-back on that?

MR. HORST:

Some of the repairs were done by the landlord and some of the repairs were done by Suffolk County.

LEGISLATOR CARACAPPA:

And we charged that all back?

MR. HORST:

I believe the violations that were the responsibility of Suffolk County probably did not involve any expenditures of great cost. There would have been things such as removing extension cords, cleaning up combustibles. Or removing combustible storage from needs of egress, things of that nature. So it would not necessarily been a repair cost involved.

LEGISLATOR CARACAPPA:

Mr. LaValle, where there any charge-backs required to be made to the owner of the building on behalf of the county for any of these violations?

MR. LAVALLE:

Not that we were aware of and possibly the Health Department and Social Services may be able to direct that, because if there were, it would probably be from their budget lines. But we're not aware of anything and most likely, the repairs that were done by the county, probably were those for which we were responsible.

LEGISLATOR CARACAPPA:

Thank you.

LEGISLATOR POSTAL:

It seems to me Rich, in listening to you, would we, at the last meeting of this committee, covered sort of the essence of the problem? Now, we've learned about the Fire Marshal's report, we learned about the fire; we learned about the plastic bag over the smoke detector. But the problem was one that we became aware of at the last committee meeting. And listening to your response to questions about who the department would contact, if they became aware of a problem in suggesting that it was the County Attorney's Office really brings me back to where we were at the end of the last committee meeting, which seemed to be that there doesn't seem to be a specific procedure in place. Because we heard from the Health Department at the last committee meeting that when there was a problem and I can't remember whether it was the problem with the air conditioning or the heating. But when there was a problem with one of those issues and the Health Department contacted DPW, DPW told the Health Department that the proper person to contact was the County Attorney. The County Attorney told the Health Department the proper person to contact was DPW and I think that there's a real lack of procedure for addressing problems in leased space that -- and I had suggested that there needs to be some kind of meeting to establish a procedure and I don't think that's taken place.

MR. LAVALLE:

Yes it has.

LEGISLATOR POSTAL:

Oh, okay.

MR. LAVALLE:

We've recognized over a number of months, during the past year, actually that there are problems with regard to leased space, more specifically and we have taken measures to tighten up and rectify those problems. We have been meeting with the Social Services and the Health Department, as well as other departments that are involved with the leased space to try and rectify these problems and we have done that and we have set up procedures to do exactly as you have indicated. The Department of Public Works is taking a more proactive stance in managing county facilities. In the past, a lot of it has been done by the Law Department. As a matter of fact what we've tried to do is to identify department responsibilities for the whole process, the whole leasing process because there were overlaps and there was some confusion between departments with regard to responsibilities. So we have defined those responsibilities. We have set up a procedure both for reporting and managing buildings that are owned by the county, as well as those that are leased by the county. And we have asked each of the departments to identify specific persons within that department to act as a liaison to notify a representative from our department who will be handling lease space and that representative in our department who will be handling county owned space. So yes, we recognize the problem and we are taking measures to correct those problems.

LEGISLATOR POSTAL:

So that if a department had a problem with lease space? They would begin by contacting the Department of Public Works?

MR. LAVALLE:

Yes, we have recently -- the County Executive's Office has recently sent out a memorandum to all departments outlining, as the first phase of procedures for this process.

LEGISLATOR POSTAL:

Can we get a copy of that?

MR. LAVALLE:

Yes.

LEGISLATOR POSTAL:

I haven't seen that. I don't if anybody else has.

MR. LAVALLE:

We'll make that available to the Chair for distribution.

LEGISLATOR POSTAL:

Yes, I really -- and that would include notification of FRES or whatever other county agency needs to be involved?

MR. LAVALLE:

Well, the initial memorandum basically identifies the contact with our department. So for example, with regard to county owned space, the department would contact our buildings operation and maintenance division, specifically Lou Calderone's area. For lease space, they would contact Jeff Martell in our buildings design and construction area and then he'll make -- he'll coordinate with the owner or with whoever it may be that requires to be notified with regard to the complaint, so that it can be taken care of. This way we can keep a record as to what's going on. Right now, I think, basically the departments on a lease base notify the owner directly and or we may notify him and there isn't any real procedure and that's what we're trying to correct at this point.

LEGISLATOR POSTAL:

Okay, I just have one more question. What triggers an inspection by the Fire Marshal? I mean is a Fire Marshal's inspection performed when there's a problem or a complaint? Or is it done on a routine basis, for example, if we're going to lease space. If we're looking at leasing space? Do we have a Fire Marshal's inspection prior to entering into a lease? Do we, if we have a complaint about some other issue, does the Fire Marshal's Office go in and do a inspection that has, you know that initially may come from a complaint about broken treads on a staircase, for example? What triggers an inspection?

MR. HORST:

There are a variety means of initiating an inspection and to answer it, I guess, in reverse order, typically we do not do an inspection prior to entering into a lease for private property. That property at that point in time prior to entering into that lease is under the jurisdiction of the local Fire Marshal's Office, which might be a town or village operation. However, getting back to the beginning portion of your question, we do routine inspections of all county buildings that are generally occupied on a day to day basis, on an annual basis. We will also initiate inspections based on complaints, as well as in this particular instance, if an incident occurs in the building that obviously brings it to our attention that there are violations, we'll conduct an inspection at that point as well.

LEGISLATOR POSTAL:

Have we ever had -- I think you answered this before and I think I remember your answer but I'm going to ask anyway. Had the Fire Marshal ever done an inspection of that building in the past? We've been in that building for a very long time.

MR. HORST:

Yes, we have. There have been, in the past, numerous inspections and numerous violations cited that pretty much parallel what you saw in the report of August 30th. Although perhaps not to the same degree of extent of damage to boilers and so forth. But we've there for problems with the elevators. We've been there in the past for problems with heating

equipment, not necessarily failure of the burners themselves but some type of problem with the heating equipment. Storage issues have been a problem over there.

LEGISLATOR POSTAL:

Can we have copies of previous Fire Marshal's inspection reports for that site?

MR. HORST:

We could do that.

LEGISLATOR POSTAL:

I would be grateful. I really think, I guess, coming back to DPW and I know that there's an issue of staff power and time and all of that. But I really think that it would make sense for us to do a fire inspection of any premises we're proposing to lease before we enter into a lease. I just think its -- regardless of the fact that it is a town responsibility and there are Town Fire Marshals, there could be -- have been an inspection by the Town Fire Marshal five years before and you know, now we're taking responsibility for putting county employees into a facility and inviting the public into the facility and I think, at the very least, we should know that it's passed our fire inspection by our own personnel. So I'm just suggesting that DPW --

CHAIRPERSON FIELDS:

But even that --

MR. LAVALLE:

Generally --

CHAIRPERSON FIELDS:

My first suggestion before -- or my question to you before was, do we do health and safety inspections and the answer was only when we have a complaint. But I would think that in the procedure that you're going to be giving us about what you now have initiated, part of that should be whatever you think or whatever people think is a good time to do safety and health inspections, whether we own the building or not. Just for this whole -- I mean, this would never have happened had we been doing that.

MR. LAVALLE:

Well, let me just respond initially to Legislator Postal's comment with regard to pre-inspections before we lease the building. We do that normally as part of the design process. So when we're involved in the build-out of a lease space, we generally bring that space up to conformance with any fire safety codes or what have you. So when our personnel move into that building, it should meet all the normal codes. I think the issue becomes more of when we're in the building after a period of time, what is being done to insure that the building remains in conformance.

LEGISLATOR POSTAL:

Right and when a lease is renewed --

MR. LAVALLE:

That generally, we haven't been involved in.

LEGISLATOR POSTAL:

Yes.

MR. LAVALLE:

It's either that we -- you know, it's been our position, it's either the responsibility of the Fire Marshal or possibly the County Safety Officer.

CHAIRPERSON FIELDS:

Can we make it our responsibility? Or you know, the DPW or I don't know. Is there a better suggestion?

LEGISLATOR POSTAL:

Well, I just -- I understand what you're saying and I think, if things had followed what I would imagine would be normal procedure, maybe we wouldn't have come to the point at which we renewed the lease with, I guess, promises from the landlord. Because we just heard from the Fire Marshal that we had a series of violations. There were many violations over the years prior to this inspection report and many of the things, which are cited in this report, were cited. Maybe they weren't as bad but they were cited previously. So we had, I think, a pattern of repeat violations going on, on and on that and again, I'm not laying this at DPW's door necessarily but I think that when we look at renegotiating a lease or renewing a lease, we have to take a look at, I guess, the track record at that location. If there's a history of problems, then it seems to me that that should trigger some action with regard to not renewing a lease or insuring that there are real changes made before we do renew the lease. I know what the Chair is saying and I think that needs to be part of a procedure too. That there needs to be -- when a lease is going to be renewed, there needs to be a review of all of the records with regard to the landlord's history at maintaining the premises.

CHAIRPERSON FIELDS:

Just one more question and this may be for Mr. LaValle. We have a copy of a letter dated June 1st, from Roy Dragotta to Steve Levy who was the Ways & Means Committee Chair and he states in it, it is our intention to add language requiring that ordinary repairs be done within five days of notice thereof and that the landlord will reimburse the county for the repair costs as well as. And this is -- maybe what Legislator Caracappa was referring to too, as well as the county's actual administrative costs associated with affecting an emergency or ordinary repair not done in the prescribed timeframe. Did we go for administrative costs? Can anyone answer that question? Basia?

MS. BRADDIS:

That lease provision is not in effect yet. We're still under -- Basia Braddis. That does not go into effect, I don't have it here. It's either -- it was an and/or language. But that provision is not in effect yet and it would only also apply to those obligations that were the landlords that were not performed by the landlord.

CHAIRPERSON FIELDS:

I'm not clear on why we're not using that part of the lease yet. Is it because that part of the lease wasn't going to be in effect until the new building was built or expanded? Or just --

MS. BRADDIS:

The lease was written -- I have it back at my desk. It was either something July 1st or substantial completion. So we're not into that yet.

LEGISLATOR HALEY:

I'm sorry, it was May. I noted the last meeting, I think it was May 2001 or until substantially completed.

MS. BRADDIS:

Right, so we're not under the terms of that lease yet. So for ordinary repairs --

CHAIRPERSON FIELDS:

Why would that not have been when the lease was signed?

MS. BRADDIS:

That's just the way the lease was drafted. I can't answer that.

LEGISLATOR HALEY:

Madam Chair?

CHAIRPERSON FIELDS:

Okay. I'm going to -- Legislator Haley asked for some time but I wanted to just finish those

questions.

LEGISLATOR HALEY:

We have a procedure now and I would -- is it safe to say that Lou is the Compliance Officer for lease space? Or no for county owned space and that Jeff is the Compliance Officer, if you will, for lease space, correct? So now, we're going to go -- we've known how we screwed up this lease, obviously, because we don't have enough remedies in for some of the problems we were running into.

LEGISLATOR FOLEY:

You say we but you shouldn't include this committee. You said we screwed up.

LEGISLATOR HALEY:

I'm talking about the county.

LEGISLATOR FOLEY:

Well, I think we need to be a little more specific.

LEGISLATOR HALEY:

I honestly thought I could get through a question without interruption from you, Legislator -- I was going to say Levy, he's gone, Legislator Foley and it's on every record. It seems that every meeting I'm at, with you, you interrupt me and I'd appreciate it if you wouldn't.

LEGISLATOR FOLEY:

It's incorrect to say we.

LEGISLATOR HALEY:

Madam Chair, I would appreciate it if you keep him -- a lid on the Legislator. Okay. Now looking forward, we're going to lease another building. Who would normally be required to negotiate that lease? The County Attorney's Office?

CHAIRPERSON FIELDS:

I think Basia should answer that. You have to be on the microphone.

MR. LAVALLE:

Leases will be negotiated by the Real Estate Department.

LEGISLATOR HALEY:

Okay, that would be Mr. Grecco's department?

MR. LAVALLE:

That's correct and the leases will be prepared in the legal end of it. It would be prepared by the County Attorney's Office.

LEGISLATOR HALEY:

Basia is that correct?

MR. LAVALLE:

And the Department of Public Works will manage the buildings that are leased or to lease space.

LEGISLATOR HALEY:

Okay, so once the lease is negotiated, let's take this particular lease, for instance. If we had a system in place and this was once negotiated and we had a problem with compliance, it wouldn't necessarily go back to real estate again, it would be if Lou or Jeff decided there was a compliance problem, they would probably -- in communication with that building rep or liaison from that department, I should say, Department Liaison. They would then contact the County Attorney's Office directly to force some compliance.

MR. LAVALLE:

If we felt that it required that action, yes. That's the action that would be taken. If it was an action that we felt should be handled by the owner, then it would be handled by the owner and if it was ours, we would then take steps to have Public Works.

LEGISLATOR HALEY:

All right. So now we have, I think, a pretty good process in place, which was determined, I guess, a few weeks ago. Since our last meeting, the County Exec made a policy.

MR. LAVALLE:

No, this has been in the works for some months.

LEGISLATOR HALEY:

I know you've been talking about it but now it's in --

MR. LAVALLE:

Yes, they've initiated it just more recently. That's correct.

LEGISLATOR HALEY:

Okay, thank you.

CHAIRPERSON FIELDS:

Legislator Foley.

LEGISLATOR FOLEY:

Thank you. Basia, I know that you just came on board in this particular area but to get back to a point that was raised earlier and if you can't give the answer, we're going to need to hear from somebody from the County Attorney's Office as to why there was a delay in the effective clause, if you will, for the replacement or immediate repairs of equipment on the site? Why -- instead of being last summer, it's May of 2001 and the reason I asked, I raised the point, is my understanding that particular lease was on a month to month basis. Is that not correct for that building? Wasn't it month to month? I believe it was. It was a month to month lease. That being the case that was a month to month lease. Why would --

MS. BRADDIS:

No, I think it was just a hold over so --

LEGISLATOR FOLEY:

Before we sign the new lease?

MS. BRADDIS:

It's just a hold over; it's not a month to month. It is a month to month but we're operating under the terms of the -- and the newly --

LEGISLATOR FOLEY:

Let the record reflect that our counsel is saying that it was a month to month lease.

MS. BRADDIS:

Yes.

LEGISLATOR FOLEY:

Okay. That being the case as a month to month lease, why did the County Attorney's Office structure a new lease that delayed, if you will, one of the more important clauses relating to equipment repairs or replacements? See my concern is by delaying this, we're then letting the landlord off the hook for repairs that would have to occur between last summer and this coming May. So my question is, if you can answer it today, fine. If you can't, we need to hear from the County Attorney's Office. Why was there a delay in the effective clause that would require the landlord to make these immediate repairs to equipment where it's been damaged?

MS. BRADDIS:

Just as a policy matter and from looking at prior leases. When we have anything that requires an additional build-out, the leases are drafted. That they don't, the prior lease is in effect until either the date that's selected, which is sort of like a projection date or substantial completion.

LEGISLATOR FOLEY:

I understand that. That's for a build-out but -- okay.

MS. BRADDIS:

Well this --

LEGISLATOR FOLEY:

But we had -- what all of us -- I don't mean to interrupt, what we had as a Committee and as a General Legislature had insisted upon when we reluctantly and conditionally heavily conditioned our approval for a new lease is that given the track record of the landlord and given the history of this landlord that he couldn't be treated as we had treated other landlords. And the fact of the matter is again, because it's a month to month lease, it may have been the case in the past that with better landlords, you'd have that kind of language. But the clear direction that we had given the executive branch on this lease was that it was a very -- a typical situation, in that, before there's even a build-out, given the chronic problems with fixing or correcting of equipment in the past that new lease should have been structured in such a fashion that there should be let's say, a clause that would immediately require the landlord to make these changes and to pick up the cost as opposed to this delay, if you will, until May. So I'd like to hear, in writing, from the office as to why they made -- they had this delay in the effective date for the replacement of those equipment that needs to be replaced. I just -- I don't know why it wasn't immediate when they signed the new lease back in last summer.

MS. BRADDIS:

Are we talking about specific charges in the instant case? Because I don't know that that we did anything that would be available for a charge back anyway and that might be what Mr. LaValle --?

LEGISLATOR FOLEY:

Well, just to the Chair. At the last committee meeting, it wasn't one of the points, the five-day emergency repair? Is that where there was a change in the five day -- the five day emergency repair.

MS. BRADDIS:

No, the five-day ordinary repair is the new language.

CHAIRPERSON FIELDS:

Ordinary right. Emergency was forty-eight hours.

MS. BRADDIS:

Emergency was there in the prior lease and remains there.

LEGISLATOR FOLEY:

Okay.

MS. BRADDIS:

That was pre-existing. Emergency repair was pre-existing and continues.

LEGISLATOR FOLEY:

Right.

MS. BRADDIS:

So the only new language that was added was five days for ordinary repair and I don't think that there was anything in this instance that would have qualified for that --

LEGISLATOR FOLEY:

But when you look at the pictures and it, you know where the boilers were? There are holes. There was a fire.

CHAIRPERSON FIELDS:

Have you seen the photographs?

MS. BRADDIS:

Yes, I have.

LEGISLATOR FOLEY:

And why that would take two or three months to repair?

MS. BRADDIS:

A month.

LEGISLATOR FOLEY:

Or to replace?

MS. BRADDIS:

I think it took about a month. The report was August.

LEGISLATOR FOLEY:

The fire was August 17th.

MS. BRADDIS:

But the reports are -- we don't take any action to the reports issued. So it's August 30th.

LEGISLATOR FOLEY:

The fire was August 17th. I understand. The fire was August 17th. I understand you got the report in August.

MS. BRADDIS:

Right.

LEGISLATOR FOLEY:

End of August but it was the middle of October, before they were replaced or repaired.

MS. BRADDIS:

Right, completed.

LEGISLATOR FOLEY:

Okay.

LEGISLATOR POSTAL:

I have a question.

CHAIRPERSON FIELD:

Legislator Postal.

LEGISLATOR POSTAL:

Yes, a question is for Basia? I think that what Legislator Haley said a little earlier is really the way we should be headed. I mean, I'm glad that we've established a procedure that kind of deals with a generic problem or we've reinforced an existing procedure or whatever it is. But I think that we need to take a look at this lease and take -- look at it from the point of view of breaking it. I mean, this is a landlord who entered into a lease with us where we kind of took it on good faith. Maybe we were foolish to do that. It was the landlord with a bad track record. Commitments were made to us about things that would be done and improvements that would be made and obviously, even though the language of the lease

gives the landlord a long period of time in which to make these improvements, I think, we all have a feeling that he's not operating in good faith. And there are some parts of the improvement that should have been started. That should have been completed by this time. And I don't know that legally we have recourse but I would like to ask if the County Attorney's Office could re-examine the lease and examine the circumstances and what's taken place to date with an eye toward breaking the lease.

CHAIRPERSON FIELDS:

I have another question for Rich. When the Health Center was without water in May, were there any other alternatives to using bottled water that you knew of? Or anybody in DPW?

MR. LAVALLE:

Not that I'm aware of. Lou, you are?

MR. CALDERONE:

Could you repeat that question?

CHAIRPERSON FIELDS:

When we had no water in that Coram Health Center in May? Do you know of other alternatives to get water into the building?

MR. CALDERONE:

No, I do not. I was not involved in that. Maybe the Health Department made arrangements to bring in bottled water. I'm not aware of that.

CHAIRPERSON FIELDS:

Has anyone ever heard of a water buffalo?

MR. CALDERONE:

Yes.

CHAIRPERSON FIELDS:

Would that not be an alternative to get water into the building?

MR. CALDERONE:

Depending on the type of water buffalo. If it's designed for potable water, yes. They're not all designed for potable water.

CHAIRPERSON FIELDS:

The Suffolk County Water Authority offers a water buffalo and so does the National Guard and I've called upon them to use them in the past. I knew about them and I guess you knew about them. I don't understand why we had to go out and purchase, you know hundreds and hundreds of bottles of water to flush toilets when there are water buffaloes out there.

MR. CALDERONE:

I can't answer that because I was not made aware of the problem when it happened.

CHAIRPERSON FIELDS:

Legislator Caracappa.

LEGISLATOR CARACAPPA:

Thank you. Just to go further on what Legislator Postal was saying. She is very -- a nice term as in not dealing in good faith. I had other terms to use but I guess I won't use them as this point in time. Let's just say the landlord has not been acting in good faith. Even though the lease dictates that they can act this way but speaking on a human level, I think it's been absolutely despicable the way that they've handled it and handled the human lives that have been in that building and having to work in there and the public that has to use it on a daily basis too. So with that being said on the record, I'd like to go a little bit further on what Legislator Postal had said earlier, with relations to breaking the lease and what our options are. I'm going to ask counsel and both Budget Review to maybe possibly put

together a memo from myself and other members of the Legislature what our liabilities may be for breaking that lease. What the possibility would be on the economic sides, Fred? What we would be liable for, dollars and cents? And of course, Paul what it would be -- what our liabilities would be on the side of the law. So if there's a chance, a small chance, any chance at all to get out of this lease, I'm going to advocate for it because when that new lease came before this Legislature I, in good faith, thought that the landlord was going to do the right thing. I thought there was a new lease on life here, so to speak.

The people who work in that building, the people that use that building had the same good feelings and I'm saddened after these last couple months and having fought for that new extension on that lease, getting all the promises from the landlord who stood at the podium at the Legislature in Riverhead, late at night and stood there and just shook his head, yes, yes, yes that we're going to be these wonderful new souls who are going to take care of this building better than you've ever seen before. We've been lied to again and that's it for me and I'm willing to pay the price to get out of this lease anyway that we have to. I'm fed up and I'm not going to play this game anymore.

CHAIRPERSON FIELDS:

Legislator Caracappa, I'm glad that you feel that way because I asked Legislative Counsel to draw that resolution up last night. It may have been prejudging it but I have even more facts here that go on and on. I try to provide each Legislator with some back up to prove that when this first came to Ways and Means, as you all have heard, I made a surprise visit with Legislator Towle to the building and was appalled at the building. I went there again the other day for an Advisory Committee Meeting. Legislator Caracappa and Legislator Towle's Aides were there. Entering the building, we saw the same conditions in the building. I saw the same conditions. It doesn't matter what we say. It doesn't matter what we ask. It seems that nothing is adhered to. I'm going to read for the record, a letter from employees of the Health and Social Services Building, 3600 Route 112 in Coram.

Dear Legislator Fields: I hope that this letter will be given your regard despite the fact that we are not signing our names. We employees who work in the Health and Social Services Building at 3600 Route 112 are glad to have you as our advocate. For twenty years, this is by the way, received in my office February 13th. For twenty years, the conditions which we employees have had to endure would not have been tolerated by anyone else. You are aware that during this past summer we went for several days with no air conditioning and then for almost two weeks with only one condenser. When that problem began the lack of air conditioning caused a severe problem with condensation on the floors so much, so that the patients and staff were at very high risk of falling and some did fall.

When we had no heat several weeks later, we suffered. We suffer every day from poor ventilation. It's either too hot or too cold and no air circulates. There are strong smells in and around the bathrooms because of the poor ventilation. Over fifty female DSS employees on the second floor must use a bathroom with two stalls. You cannot even imagine what it was like for us when we went for several days with no water. Imagine no water. We had to drive our cars to the town offices down the road to use the bathrooms. Every day we have to step over dirty diapers, fast food wrappers and other debris in the parking lot. We keep hearing that things are going to get better when the building is renovated. If you ask us employees and no one has, we don't want the building renovated. We want a new building. We have suffered enough. To make us suffer more while we try to work while the building is renovated, will be intolerable for many of us.

Why should we have to constantly adjust ourselves to accepting these miserable conditions? Because we need our jobs. We are taxpayers too. We deserve better than we have gotten all of these years. We do not understand how the Legislature could vote to extend the contract of a landlord who is a proven slumlord. We can hang on a little longer if we knew something fair and better was coming. Go back to square one and do things right. Advocate for us to get a new building. Signed for the employees of the Health and Social Services Building, 3600 Route 112, Coram.

LEGISLATOR HALEY:

Madam Chair?

CHAIRPERSON FIELDS:

Yes.

LEGISLATOR HALEY:

Could you give me the essence of your resolution that you filed yesterday?

CHAIRPERSON FIELDS:

Do you have a copy of it, Paul?

MR. SABATINO:

No, I just started the research last night. I mean, it's not completed, finished no.

CHAIRPERSON FIELDS:

Okay.

LEGISLATOR HALEY:

Well, yes I'm trying to get a sense of what's going because I think we want to be careful what we ask for. First of all, we have a legal document that we have to deal with. Second of all, I think, one of the reasons we're still at that location even though we have dealt with numerous problems with this landlord is because of our inability to find another location.

CHAIRPERSON FIELDS:

I'm not sure that's true.

LEGISLATOR HALEY:

Well, I think you better walk very carefully in this regard, because if this landlord -- if you push, we need to push -- obviously we -- and I remain with my original statement, we, meaning the county, screwed up in this regard, in this particular lease. But we're, in fact, in a legal lease and if we can find a remedy to get out of it, which I'm not sure we can, because that's where we've been going for the last umpteen hours where we've been discussing this. If we can find a remedy, I think, we're going to have -- we may have a problem placing that because --

CHAIRPERSON FIELDS:

All right, let me ask a question then.

LEGISLATOR HALEY:

I think that we should be really cautious.

CHAIRPERSON FIELDS:

Since the landlord --

LEGISLATOR HALEY:

From both the legal perspective and from a practical perspective.

CHAIRPERSON FIELDS:

Okay. Since the landlord can't make the four hundred and fifty days, because we know we haven't even had a --

LEGISLATOR HALEY:

You don't know that.

CHAIRPERSON FIELDS:

Well, we haven't -- we do know that. What does the county propose to do?

LEGISLATOR HALEY:

Madam Chair, you can't ascertain that. That's not -- that's projection.

CHAIRMAN FIELDS:

Right, okay then, let's do the math.

LEGISLATOR HALEY:

Yes but that's conjecture on your part.

CHAIRPERSON FIELDS:

It's not. Let's do the math.

LEGISLATOR HALEY:

And if he can't comply, all he has to do is pay you a hundred dollars a day for lack of compliance. It's a legal issue.

CHAIRPERSON FIELDS:

Maybe we should go into Executive Session at this point.

LEGISLATOR CARACAPPA:

Madam Chair?

LEGISLATOR POSTAL:

Could I ask that we do that at the end of the meeting? Because there are a large number of people here who would like to address the committee and a lot of them may have other commitments.

CHAIRPERSON FIELDS:

I also have some other questions though from the Health Department. Go ahead.

LEGISLATOR CARACAPPA:

Thank you very much. I appreciate it. Legislator Haley is right in a certain regard but when it comes to giving anybody that has to do with that firm, being the landlord the benefit of the doubt, I refuse to give him the benefit of the doubt with anything anymore, especially when it relates with their timetable for which they are supposed to have this project done. I don't believe a word that they say anymore and I'm not going to stick by any black and white document that's been signed by any entity within this government or on their side. Secondly, to the Chair, your resolution -- it's a resolution to do what I've been saying.

CHAIRPERSON FIELDS:

Cease and desist from following through with this.

LEGISLATOR CARACAPPA:

Please add me as a co-sponsor.

CHAIRPERSON FIELDS:

For the Health Department?

LEGISLATOR HALEY:

Madam Chair, I suggest that we no longer have conversations concerning that unless we go into Executive Session.

CHAIRPERSON FIELDS:

Legislative Counsel, did you want to say something?

MR. SABATINO:

No, I'll let it go.

CHAIRPERSON FIELDS:

Okay. Thank you very much for coming and answering our questions. I guess Doctor Bradley maybe and Wayne Jones and maybe Bill Jones also. And Bob Maimoni maybe.

MS. BRADDIS:

Would you like me to stay? Or can I go?

CHAIRPERSON FIELDS:

No.

MS. BRADDIS:

Stay?

CHAIRPERSON FIELDS:

Please, thank you. I guess my first question is who's responsible for making sure that the building is locked up at night? According to the Fire Marshal's report?

MR. WAYNE JONES:

We have security and housekeeping janitorial security locks at -- actually it's the janitorial person. It was the last person on duty, who's cleaning up in the Health Center, who locks the doors at night. We do repair the locks on the doors, I would say about every other month because they are forced open and there are latches on the top and the bottom, which helps secure the doors that are broken consistently. I believe in the past year, we've replaced virtually all the locks on the doors about twice in the Year 2000 and there are repeated repairs to the locks about every other month.

CHAIRPERSON FIELDS:

I think if I were broken into continuously, I probably wouldn't repair it with a lock anymore but maybe there's something else that this facility, it seems like it has a little bit of a different problem than some of the other facilities. Isn't there another way that --

MR. WAYNE JONES:

Well, the doors need to be replaced entirely which was part of the renovation plan. All the doors need to be replaced. It's not just the locks. It's the doors themselves and they need to be replaced for other reasons too, because of slight gaps in between where it doesn't keep the hallway as warm as it should. So an entire replacement of the doors is required.

CHAIRPERSON FIELDS:

Okay, so I also heard rumors that we have homeless living in the facility. It could be a rumor. Do you know of that kind of condition?

MR. BILL JONES:

Bill Jones from the Department of Social Services. No, I am not aware of any situation where we have had an individual and that is essentially against department policy to have any individuals stay overnight. If I'm not aware of anybody who has had to stay in that facility or of recent vintage, I don't know whether you're going back years but of recent times, I have not been made aware of anytime when any individual spent overnight in that facility. If that were to become absolutely necessary, when an individual comes, who is seeking housing and it is past the four o'clock hour that -- and we're waiting for transportation to take that person to either a motel or to a shelter, one of our security guards or one of our people from the center will remain with that person until they are picked up and taken to that facility and that is true of all of our centers.

CHAIRPERSON FIELDS:

Okay but the Police and the Fire Marshal have stated in the report that they find the building unlocked frequently. All the time, I think, was the quote and working in the medical industry, I'm aware of patient confidentiality and if that building is unlocked, anyone can go into that building and open up a patient's file and read that patient's file.

MR. BILL JONES:

That would not be acceptable.

CHAIRPERSON FIELDS:

But it's -- if the building is unlocked that's acceptable.

MR. WAYNE JONES:

Legislator Fields, the building about four to five years ago was installed with an alarm system, which has motion detectors at each and every corner of the corridor.

CHAIRPERSON FIELDS:

They're not covered by plastic bags, are they?

MR. WAYNE JONES:

No, thank goodness. So we do have motion detectors. We have an alarm system in and outside of the building that sets off. Those alarm systems are automatic and set automatically at night. So it's virtually impossible for anyone to be within that building at night without setting off the security system.

CHAIRPERSON FIELDS:

Does that system ever go off?

MR. WAYNE JONES:

Quite often.

CHAIRPERSON FIELDS:

And what are you finding when you get there? Who responds to that?

MR. WAYNE JONES:

I'm the first call unfortunately at home. And the question was asked whether or not to dispatch a police officer and in virtually every case, I do say yes. Because I can tell, because of the location of the motion detectors whether someone has just walked down a corridor and walked out or if someone is walking down the east side, south side, etc., Usually if there's more than one motion going off that means someone is wandering around. At that point, I want a police officer dispatched. The police officer arrives. He walks around the building and the Security Company calls me to say that no one has been located. It's all clear there.

CHAIRPERSON FIELDS:

I'm sorry, I didn't hear what you said.

MR. WAYNE JONES:

The Security Company calls me back and lets me know whether or not anything has been found or that the motion detectors have stopped and no one is moving around any longer.

CHAIRPERSON FIELDS:

So what are you actually finding? Are there people there when the police get there? Or are they gone?

MR. WAYNE JONES:

Sometimes there is someone who pulls the doors very hard, walks around and walks out because the alarm system goes off.

CHAIRPERSON FIELDS:

So they don't really find people there?

MR. WAYNE JONES:

No, there's no one there and that's why we put in the motion detectors to insure that no one is wandering around the building.

MR. BILL JONES:

And Madam Chair, if I might? With regard to the renovation included within this package is the other renovations for our buildings in DSS and in cooperation with the Department of Health. But if one assumes if this renovation moves forward, we are including an upgraded

security system, a proximity lock system for all the doors as part of the renovation and that's part of this proposal. And in addition, closed circuit television is going to be installed for all public areas, as well as the parking area. So it is something that we've recognized in the past that we want to increase security at all of our facilities and with this lease, as well as future leases, we are taking that step as well.

CHAIRPERSON FIELDS:

Okay.

MR. BILL JONES:

But that's a future action of course.

CHAIRPERSON FIELDS:

I think there are so many future actions that we need to take that this lease has exposed. And the next one I'm going to ask is, I guess, from Doctor Bradley, if there are any state or local statutes that would require reporting loss of running water, heat or a fire in the Health Center?

DR. BRADLEY:

Yes there are and when we had the interruption of water, we reported it to the State Health Department verbally at the time it happened and also in writing, with the follow up.

CHAIRPERSON FIELDS:

And what about Suffolk County Sanitary Codes for toilets? We have Sanitary Codes about running water and toilets, correct?

DR. BRADLEY:

Correct and we did consider what our options were when the water went out and we talked to the Sanitarians who work for the Health Department and on an emergency basis to see if we could keep temporary services going with using bottled water and we decided that yes, we could do that. We referred as many patients as possible to other Health Centers and tried to reschedule. It was only the emergencies or the walk ins that had no option.

CHAIRPERSON FIELDS:

According to the Advisory Minutes that I read, they did say that they had to reschedule some of the patients. Doctor Bradley, the chromo --

DR. BRADLEY:

Glass.

CHAIRPERSON FIELDS:

Glass system, what is the status of that application?

DR. BRADLEY:

The landlord has come back to the Board of Health with a proposal to construct a chromoglass and he has been approved by the Board of Health. He is now in the process of submitting final plans on that system and we'll get a final approval from the wastewater staff in Riverhead. But the Board of Review has approved his plans for a chromoglass.

CHAIRPERSON FIELDS:

Does anybody have any questions of the Health Department?

LEGISLATOR FOLEY:

Excuse me. Commissioner and Deputy Commissioner Jones, you heard from Public Works earlier that there is a procedure that's now in place for both leased and county owned buildings. Have your two departments been included in those discussions and improving the procedures for notification of problems?

DR. BRADLEY:

It wasn't directly to me.

LEGISLATOR FOLEY:

Okay.

DR. BRADLEY:

But I believe my staff people who deal with building issues have, yes.

LEGISLATOR FOLEY:

So the answer is yes?

DR. BRADLEY:

Yes.

MR. WAYNE JONES:

Yes.

LEGISLATOR FOLEY:

Same Social Services?

MR. BILL JONES:

Yes.

CHAIRPERSON FIELDS:

Is there a written from the Health Department according to that plan?

LEGISLATOR FOLEY:

Is there a written procedure in place or is it --

CHAIRPERSON FIELDS:

Or is it just some verbal information?

LEGISLATOR FOLEY:

Is it verbal at this point?

MS. BRADDIS:

No, it's been prepared as an SOP and it's an 80H.

LEGISLATOR FOLEY:

Which means?

MR. MAIMONI:

The department head memorandum being issued by the County Executive's Office --

LEGISLATOR FOLEY:

Okay.

MR. MAIMONI:

To all departments as to how these buildings issues are supposed to be handled.

LEGISLATOR FOLEY:

Okay, all right and you're comfortable with this new procedure? You feel that it's going to be more responsive to the concerns of your employees, as well as the clients that utilize your services?

DR. BRADLEY:

I feel it will be an improvement from what's occurring now. Because we don't have adequate staff to deal with these issues. So it will be a great benefit to have the services of Public Works to help us with the leased facilities.

LEGISLATOR FOLEY:

Okay.

CHAIRPERSON FIELDS:

Bill Jones, has the space that was vacated by the Health Department been occupied by the DSS? That came up during Ways and Means six months ago or whenever that was. That there was a section of the building that had been vacated.

MR. BILL JONES:

We're using it to store files that are to be going to Archives and no, we're not utilizing in terms of putting people in that area or anything beyond simple storage of files, etc., This -- that of course was all in anticipation of a start date in November for the renovation of this space. That space that was vacated by Health would have required a fair amount of renovation, you know, really to utilize it in any manner beyond storage. So it was really deemed as a -- considering the original timeline anticipated by this week's execution that you know to occupy it with people and then to move out because part of our plan or part of the initial plan, assuming that this renovation goes forward that the addition would be built and then that entire north wing of the building, at least, on the second floor would be totally vacated for construction. So there was really no real purpose in putting people, at that point, in time into that space.

CHAIRPERSON FIELDS:

I have one more question. According to some information I got, the engineer for the landlord is the previous Director of Environmental Quality for Suffolk County. Is that a conflict of interest?

DR. BRADLEY:

I discussed this with the County Attorney's Office and the prohibition would have been if the engineer had worked on this project while he was an employee. He did not work on this project while he was an employee. So the position of the County Attorney's of the Ethics Commission is that there is no conflict.

CHAIRPERSON FIELDS:

I have his name somewhere here but I --

DR. BRADLEY:

The engineer is Joe Bair.

CHAIRPERSON FIELDS:

Joe Bair. Does anyone have any other questions for Commissioner Bradley? Or -- okay, thank you very much. Mr. O'Connor. Doctor Bradley and -- could you not leave, we're going to go into Executive Session when this is finished and Basia too. Good morning.

MR. O'CONNOR:

Good morning. Am I on?

CHAIRPERSON FIELDS:

You're on.

DR. O'CONNOR:

I'm Doctor Walter O'Connor and I'm a retired physician but I've been involved with the Martin Luther King Health Center since its beginning in '68 and I'm now the Chair of the Community Advisory Group. I tell you that because I'm very familiar with community affairs and events and needs. And I joined the Sunrise Psychiatric Board about two or three years ago and that was because they thought, perhaps, I could intercede in part or at least get involved with community affairs. Now, I think that -- and I'm only going to spend two minutes.

The problem that we have at Sunrise right now is that it's serving a group of patients who are really on the fringe of survival. If you look at the statistics on North Amityville and on Wyandanch, you will find that all the parameters of good life are missing in those two communities. And what has happened now is the Sunrise Psychiatric has been serving North

Amityville since 1965 and now they're faced with the dilemma of being put out of business because of a lack of space. And I think that there are two parameters to a community health. There are many. But two of them is availability and accessibility.

If you move Sunrise Psychiatric out of Amityville right now without any plans for the future, availability will be there but it won't be in Wyandanch. And accessibility will disappear because the people inherited -- inhabitants of North Amityville have a hell of a job trying to travel around because they don't have public transportation. Now, I think this is a big item. Now, I'm not here to fight with the Health Department. I've worked for George {Lalone} in '68, all the way to the present and have no -- and always amiable. So I'm just here to intercede for the community of North Amityville which greatly needs mental health. Thank you.

CHAIRPERSON FIELDS:

Thank you.

LEGISLATOR POSTAL:

Madam Chair?

CHAIRPERSON FIELDS:

Legislator Postal.

LEGISLATOR POSTAL:

Yes.

CHAIRPERSON FIELDS:

Doctor O'Connor or no?

LEGISLATOR POSTAL:

Doctor O'Connor can -- that's all right. I just -- in the interest of kind of cutting to the chase, because this is becoming a very long meeting and I know that there are other people who want to speak about the issue of Sunrise. I would kind of like to sum up what the issue is and talk about how we might be able to come to a resolution. And I say that not in a legislative sense, a solution, maybe that's a better word. The issue of Sunrise Psychiatric Clinic comes down in a nutshell to two agencies that need the same space. You know I've spoken with members of the Sunrise Board. I've spoken with the Director of Sunrise. I've spoken with Doctor Bradley. You know it's -- I keep saying it's like Solomon and the two women with the baby. Sunrise Psychiatric Clinic has a presence in Tri-Community Health Center.

There is a whole other issue about new space that Sunrise and Mr. Sullivan referred to. Sunrise has purchased and has spent a great deal of money on purchasing and renovating, which is not ready for use, which is in the Village of Amityville. Tri-Community is in North Amityville and you really have to know the community to understand what the issues are here. Because the Health Department does need increased space at Tri-Community. They need space. Unfortunately, maybe when we renovated it last time and expanded it, we should have made it double the size but we didn't. We didn't have that foresight. So space is very tight there. I've been there. I've seen that it's tight. On the other hand, Sunrise has rooms there to treat -- to provide treatment for mental health and the Health Department is kind of in a bind saying well, we need the space. And so Sunrise is going to have to leave and they have another facility just a few blocks away in Amityville.

But the fact is there are a few issues. First -- the first issue is that Tri-Community is in North Amityville. The new facility is in Amityville Village. If you know the area, you recognize the demographics that Amityville is a racially segregated community and while we might like to solve all the social problems of mankind and integrate the community of Amityville, the fact is that we would put obstacles in the way of mental health treatment, if we expected people from North Amityville to travel into Amityville Village where they traditionally may not feel comfortable.

The other issue is that people who go to Tri-Community for physical medical care are there. They are there already. So it's really easy for them to access mental health services when they need them. It's also that it is a physical medical facility and while we might like to think that there's no stigma attached to mental health treatment today, let's face it, there's still is some stigma in the minds of some people. And if they're going to Tri-Community, then nobody knows whether they're going to see the doctor to get a flu shot or they're going to see someone for mental health care. So for all of those reasons it's really very, very, beneficial to have a mental health facility, Sunrise Psychiatric on site at Tri-Community.

On the other hand, I know that the Health Department is pressed for space and I haven't even mentioned this to Doctor Bradley. But I think we're all trying to find a solution whereby Tri-Community can have the space it needs and Sunrise Psychiatric Clinic can continue to provide mental health services at the Tri-Community location. And I'm springing this on Doctor Bradley but my thought was and this came about, because I knew of a trailer that we had used as a police substation in Wyandanch that was no longer used. And I thought wow, if we could move that to Tri-Community, to on the site, maybe we could move some of the clerical services that take place in Tri-Community into the trailer and allow Sunrise to stay and meet all our needs. You know I'm trying to be Solomon like here. Unfortunately that trailer was sold. So what I'm suggesting is maybe there is a solution like the one that I had come up with. Maybe we could solve both problems and meet both our physical health care needs and our mental health care needs by getting a -- I don't know whether you'd call it a trailer or a mobile office into which we could move some of our -- maybe that Wick paperwork office that we need could move into that or Suffolk Health Plan Office could move into that. So that Sunrise Psychiatric Clinic could continue to see mental health clients at that setting and I think that's what we're looking at.

There's a whole other issue with the new facility. But what I guess -- saying to the committee, saying to the Health Department, I think what the people from Sunrise Psychiatric Clinic are saying is that we need to find a solution. Now, the -- I guess directive to move out of Sunrise was one that Sunrise to move out of Tri-Community, excuse me, was one that Sunrise could not meet, because they are still renovating the new facility. And I called Doctor Bradley and she was very accommodating about being flexible about the date when Sunrise would actually have to leave Tri-Community. But I think we're talking about an ongoing relationship for many, many, reasons, the ones I mentioned. And what I'm looking at and I'm asking the Health Department, I'm asking the Health Committee, if we could find kind of win, win, solution, like getting a trailer and putting it on the Tri-Community property, so that we could meet both agencies needs.

CHAIRPERSON FIELDS:

Have you inquired as to how much a trailer costs?

LEGISLATOR POSTAL:

No, I'm getting that information.

CHAIRPERSON FIELDS:

Okay. I think that's a good --

DR. O'CONNOR:

You know all the things that Legislator Postal has mentioned are those were in the original concept in 1967, when the first Health Centers were being formulated. And that was have a combination of social services, physical health, mental health and some of those concepts were incorporated, others were discarded. But then you have the problem of physical health, became so demanding that I can speak for Martin Luther King and I know about other health centers, things had to be disbanded or thrown off. I think Brentwood is one of the answers that you mentioned Legislator Postal, the stigma of mental health is mixed in with all the other parameters of health care, so that there isn't that much problem about a patient going and being stigmatized as being crazy. But you know, it's -- I think that and the board has -- our board has already mentioned or I've heard at the board meeting about your proposal and I think that might be and I think is a reasonable solution for the immediate problem that we have at hand. And I think, as I hear your argument over Elsie Owens Health Center out there

in Coram, Elsie, I think, would love to blow the dam building up and start all over and Elsie is big enough to blow it up if she gets mad enough. I don't mean in size, I mean in character.

CHAIRPERSON FIELDS:

She's quite a lady.

DR. O'CONNOR:

Yes, I know she is and I've known her for many, many, years. But I think that as you're planning these things and these guys are all in these health centers, they are a bunch of thieves. But that's beside the point, sorry.

CHAIRMAN FIELDS:

Thank you very much. I think that we will try to work on that. So that being said that we will try to resolve this problem, might I ask Jeannette Santos and Roy Archer not maybe to speak? Because we are going to try to work or do you --

MS. SANTOS:

I think Doctor O'Connor said it all.

CHAIRPERSON FIELDS:

Good, thank you very much. Edwin Kennedy, Catholic Charities. Are you coming up as a group maybe? Should I read a couple more cards? Barbara Faron, Laura Cassell, Denis Demers. Brigid Penney, David Nelson.

LEGISLATOR FOLEY:

Just have all the Catholic Charities people.

CHAIRPERSON FIELDS:

Catholic Charities people, I guess. And I guess Barbara Faron can come up after them, okay? Who's first? Good morning. State your name for the record. You have to put the microphone on and speak very closely.

MS. CASSELL:

Good morning. Laura Cassell from Catholic Charities. I'm Executive Director of the agency and I'm joined today by Paul Englehart, our Chief Program Officer, Reverend David Nelson, Chief Ministries Officer, Ed Kennedy, Director of Finance, Dennis Demers, Administrator of Mental Health Services and Sister Brigid Penney who is recognized as a pioneer in providing care for persons with mental illness in the Bay Shore Community for over twenty five years.

I want to begin by thanking you on behalf of our Board of Trustees for this opportunity to speak before you. The board is greatly disturbed about recent developments in our relationship with Suffolk County and has encouraged me to address the Legislature asking for two things. First, scrutiny of the proposed plan to close either our Bay Shore or Medford Office and reduce our overall capacity to deliver case management services in the county and second, restoration of the Omnibus funding previously awarded to our agency.

Since its inception, more than forty years ago, Catholic Charities has been a faithful and affective partner with Suffolk County in meeting the needs of poor isolated disadvantaged and vulnerable people. The depth of our commitment to this partnership has been demonstrated by the millions of dollars contributed by the Catholic Church on Long Island to absorb the increasing funding deficits associated with this partnership. Deficits primarily due to inadequate flat or reduced funding. In fact, in the last sixty years alone, this is a commitment of over two point two million dollars to the operation of our mental health clinics and support of Case Management Program. Moreover, as presented in testimony in 1999, Catholic Charities have a history of providing increased services despite such funding shortfalls.

I am here today to formally question proposals by Suffolk County that clearly jeopardize the

clients and communities we serve and demonstrate a lack of regard for our proven commitment. Dramatic and far reaching program changes have been communicated at best in an unclear and inadequate manner and at worst with total disregard for our input, our recommendations, or our advocacy on behalf of those we serve. Specifically, these proposals negatively impact on the individuals cared for through our supportive case management services and mental health clinics. Despite the financial hardships, we have provided this care out of our sense of mission and commitment to those in need. Before I continue in my remarks, I want to call your attention to the chronological handout that we've brought today and would like to distribute to you.

LEGISLATOR HALEY:

Could we also get a copy of your remarks too?

MS. CASSELL:

Yes, I will leave a copy.

CHAIRPERSON FIELDS:

You could give a copy of your remarks to my Aide and she will go and make copies.

LEGISLATOR HALEY:

Fair enough.

MS. CASSELL:

Okay, she has them right here.

CHAIRPERSON FIELDS:

Oh, you have them already.

MS. CASSELL:

Yes.

CHAIRPERSON FIELDS:

Okay, thank you.

MS. CASSELL:

As you can see on the handout, in 1978, as an outgrowth of the voluntary ministry of Sister Brigid Penney to the de-institutionalized residents in Bay Shore, Catholic Charities was asked to provide supportive case management services in Islip and Brookhaven Townships. For twenty-three years, this ministry has flourished. In fact, Sister Brigid, despite her formal retirement, continues to care for individuals with mental illness in our Siena Residence in Bay Shore.

Despite consistent efforts over the past ten years to address the increasing funding deficits with the County's Division of Community Mental Hygiene and the New York State's Office of Mental Health, no relief came. But the Catholic Church never wavered in its ministry to individuals with mental illness in Suffolk.

Finally in 1999, an appeal to the Legislature resulted in an increase of two hundred and fifteen thousand dollars for our mental health services for the Year 2000 Budget. We did then and do now laud the efforts of the Suffolk County Legislators who helped secure this much-needed relief. We were told that this was a first step with more relief to come. However, at the very end of December, we received our new contract for 2001 and we were dismayed to find that over half of the restored dollars, one hundred twenty six thousand dollars had been cut. According to representatives of the Division of Community Mental Hygiene, the additional two hundred fifteen thousand was part of an Omnibus Bill. The Division further contended that this funding was not automatically renewed without an appeal to an approval by the Legislature. In the past several days, Suffolk County Legislators have told us that the Division's understanding of Omnibus expenditures is simply not accurate. This funding was intended to continue in 2001. We are deeply troubled by this financial setback to the program. In addition, we are disappointed by the failure of the

Division to work together with us, as partners, to avert this seemingly unnecessary problem.

The most disturbing concern, however, falls on the heels of this budget cut. It is the Division's plan to redirect case management services within the county with the two million dollars in new initiative funding from New York State. The Division's ill advised and unnecessary plan manages to mitigate most of the good that these new dollars might support. For example, this plan calls for a transfer of three hundred and fifty eight of our clients in Western and Central Suffolk to two other agencies. One, with no track record of providing support of case management services. The county has essentially asked that we close our established Bay Shore Office and open a new office in Eastern Suffolk, with a reduction in total staff, in order to allow for the inclusion of this new provider.

The Division maintains that this plan will assist our agency with deficit and staff recruitment issues. Though other agencies have similar issues, Catholic Charities is the only agency whose staff and clients are negatively impacted by this restructuring. Catholic Charities is convinced that the Division's rationale is clearly faulty and its effects deleterious to clients. Building a new program on the East End with its attendant transportation problems is hardly the healthy way for any agency that is struggling to recruit staff and increase productivity and therefore revenue. Severing therapeutic relationships is hardly the healthy way to serve people who hurt and struggle.

After twenty-three years of loyal and under-funded service and a two-point two million dollar subsidy in just the past six years, the Division should have provided Catholic Charities with a role in the development of this plan. Instead of a role, Catholic Charities received notice, a mere nine days before public announcement of the plan.

Only after we initiated a challenge to the proposed plan, did we have the opportunity to meet with representatives of the County's Department of Health to discuss the negative implications for our agency. During the recent time afforded us by Commissioner Claire Bradley and Director Tom McGilvary, I was encouraged to see some recognition on the part of the Commissioner that the current plan did not address the unique obstacles facing our agency. Nonetheless, the Division seems to be looking for an opportunity to diminish our presence in providing case management services in the county. To date, the only alternative discussed has been the closing of our Medford Office in exchange for remaining in Bay Shore. This swap is unacceptable to us for the same reasons that we will not abandon Bay Shore, the negative impact on clients, communities and our agency. Although we are prepared to relinquish the East End Case Management Program that we have admittedly struggled with over the past eleven months, it seems apparent that the Division is unwilling to simply take this back without further reducing our long standing commitment to the Islip and Brookhaven Communities.

The Division would also have you believe that our subsidies to this program are due to inefficient operations but they know otherwise. Catholic Charities reimbursement rate is substantially lower than that of other providers. Rather than seeking ways to alleviate these inequities, they have chosen instead to devalue our commitment to this program. The divisions offer to provide additional funds to offset costs associated with breaking a lease in either Bay Shore or Medford is also puzzling. How are there funds available for this purpose when there are none to address the Omnibus shortfall or our ongoing salary concerns? Shouldn't available dollars be used to open rather than close doors of service?

When county and provider relationships are working the way they are supposed to, people talk to one another. People address issues together. People make common plans and the people we serve are better off for it. Sadly, this does not describe the development of this proposal to date and so the compelling questions remain. Why and why now? Why after twenty-three years of quality service provision, are drastic new proposals made within weeks of each other that undermine our partnership with Suffolk County and hurt clients? Surely we can do better and I urge the Division, this Committee and Catholic Charities to start today. Let us start by first doing no harm. Leave the Catholic Charities Bay Shore and Medford Case Management Offices open. Leave the therapeutic relationships in tact and after we have done no harm, let us do a bit of good. Let us restore the precious Omnibus

funding that helps provide for these vital services. This conversation would be worthy of us all. Thank you for this opportunity to address you.

CHAIRPERSON FIELDS:

Thank you. I think that we do have some other questions and as -- when I was approached to put this on the agenda, I did it saying that if we can get to it, we will and I think that it's the kind of situation that you don't want us to whiz through and you want some time and some answers too. What I'm going to do in the interim is put it on the agenda for next time and ask the Health Department to be here to address some of these questions now that we also have a formal packet and talk with you in the interim and see what we can establish between now and then. But I am also going to ask that we go into Executive Session, because we have some very, very important, not that this is not and believe me, I know that. That's why I wanted to give you at least some time. So I will ask that we just resume this part of the agenda next time around, which -- do we know a date?

LEGISLATOR FOLEY:

It's a Thursday.

CHAIRPERSON FIELDS:

March 8th.

MS. CASSELL:

We appreciate your time and attention, Legislator Fields. I just wondered if you might have an additional two minutes for testimony by someone who's come here specifically, today to testify about the Bay Shore Clinic.

CHAIRPERSON FIELDS:

Okay, two minutes and then we have to -- we've got to break out into Executive Session. Thank you.

MS. CASSELL:

Thank you.

MS. JAMROZ:

Good afternoon Legislator Fields and members of the Health Committee.

CHAIRPERSON FIELDS:

Could you please state your name?

MS. JAMROZ:

My name is Jan Jamroz and my remarks today come to you from my professional experience serving clients with mental illness, as well as my personal experience having a son who struggles with mental illness.

As the Director of Parish Social Ministry for Saint Mary's Parish in East Islip, I have served many adults with mental illness in the eleven years of my ministry. Through Saint Mary's Parish Outreach Program, we provide direct services and advocacy with social service agencies to people who live in the Islip community. Many of our clients receive supportive case management through Catholic Charities Program in Bay Shore. With the client's permission, we work as a team with Catholic Charities Case Managers to serve those clients we have in common.

My son has a case manager with another agency, whom he depends upon to help him advocate for his needs. For several years, I was his case manager; however, I was able to return to my role as his mother when I was greatly relieved of this job. When his first case manager left the agency that serves him and he was reassigned to a new case manager, it was extremely difficult for him and it took time for him to feel comfortable with a new

person. This experience left him feeling like he was out there on his own, even though he had family and other support people in his life. The fact that the agency itself remained a constant was most helpful through this transition period.

Consistency is probably the most important aspect of establishing and maintaining a relationship and atmosphere of trust with people who suffer from mental illness. I know this to be true professionally and personally. I would ask that the needs of the vulnerable population be considered a priority when making decisions that could negatively impact them.

Catholic Charities has extended their services for twenty three years in good faith and often at a financial loss to people in the Bay Shore, Islip area and people depend on their presence. Please decide that Catholic Charities should stay and receive the resources they need to keep providing this good work. Thank you for this opportunity to address you.

CHAIRPERSON FIELDS:

Thank you. Thank you for your time. I have several questions for you but I'm not going to do them now. I either will contact you over the next week or two or you know we'll resume it. Okay, I would ask that we go into Executive Session and I'll make a motion that we do so for the purpose of discussing legal strategies regarding the breaking of the Coram Lease and approving the presence of Budget Review, Legislative Counsel, County Attorney, Health Department and Social Services. All in favor? Opposed? And Presiding Officer's Office.

(Executive Session 12:10 P.M.)

(The meeting came to order at 1:10 P.M.)

CHAIRPERSON FIELDS:

We are back in committee. Tabled resolution 1749. Motion to table, second by Legislator Foley. All in favor? Opposed? 1749 is tabled.

I.R. NO. 1749 (P) Establishing Safe Haven Policy for the blind. (Legislator Michael D'Andre)

VOTE: 4-0-0-0 TABLED

CHAIRPERSON FIELDS:

Introductory resolution 1036, motion to approve by Legislator Foley, second by Legislator Foley. All in favor? Opposed? 1036 is approved.

I.R. NO. 1036 (P) To amend RFP Committee Process for Plum Island Health and Environmental Risk Assessment. (Legislator Michael Caracciolo)

VOTE: 4-0-0-0 APPROVED

CHAIRPERSON FIELDS:

1073 motion by Legislator Postal to approve, second by Legislator Foley. All in favor? Opposed? 1073 is approved.

I.R. NO. 1073 (P) Appropriating funds in connection with the purchase and installation of equipment for EMS/ALS (CP 3205) (County Executive)

VOTE: 4-0-0-0 APPROVED

CHAIRPERSON FIELDS:

1109 motion to table, second by Legislator Foley. All in favor? Opposed? Tabled.

I.R. NO. 1109 (P) Adopting Local Law No. -2001, a Local Law to change Chairmanship of Community Advisory Committee for use of pesticides on Suffolk County properties. (*Legislator David Bishop*)

VOTE: 4-0-0-0 TABLED

CHAIRPERSON FIELDS:

Motion to adjourn, second by Legislator Foley.

(The meeting was adjourned at 1:13 P.M.)